HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.15026 of 2006

Dated 20th July 2006

Between:

A.Sitamahalakshmi and others

Petitioners.

And

Viskhapatnam Municipal Corporation, Rep. By its Commissioner, Visakhapatnam.

Respondent.

HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.15026 of 2006

O R D E R:

This writ petition is filed praying for issuance of a writ of mandamus declaring the action of the respondent in trying to demolish the building in Plot No.47-1-112 & 113, T.S.Nos.653 & 683, Ward No.28, situated at Dwarakanagar, Visakhapatnam, as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondent not to demolish the petitioners' building without disposing of their representation and to pass such other suitable orders.

Heard the learned counsel for the petitioners and the learned standing counsel for the respondent.

It is stated that a show cause notice was issued on 29.5.2006 and an explanation was submitted on 3.6.2006.

It is needless to mention that the respondent-corporation is bound to consider the explanation and pass appropriate orders. Several other factual details had been

narrated in the affidavit filed in support of the writ petition which need not be dealt with in elaboration.

In view of the stand taken by the petitioners, the writ petition is disposed of with a direction to the respondent-corporation not to carry out demolition activity unless and until it follows due process of law by considering the explanation, dated 3.6.2006. No order as to costs.

20.07.2006
bcj